

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Edward Butowsky,

Plaintiff,

v.

Michael Gottlieb, et al.,

Defendants

Case No. 4:19-cv-00180-ALM-kpj

NOTICE OF SUPPLEMENTAL EVIDENCE

NOW COMES Edward Butowsky, the Plaintiff, giving notice of supplemental evidence that is relevant to his Corrected Motion to Compel Federal Bureau of Investigation to Comply with Subpoena Duces Tecum (hereinafter “Corrected Motion”) (Doc. No. 179):

On November 21, 2019, the Plaintiff filed a motion to compel the FBI to comply with a subpoena duces tecum. *See* Corrected Motion. The Corrected Motion quotes statements made by former Asst. U.S. Attorney Deborah Sines in a *Yahoo!News* podcast. *Id.* at 5. On March 20, 2020, Plaintiff’s Counsel deposed Ms. Sines as part of *Ed Butowsky v. David Folkenflik, et al.*, Case No. 4:18-cv-442-ALM (E.D. Tex.). A true and correct transcript of that deposition transcript (hereinafter “Transcript”) is attached as Exhibit A, and its internal exhibits are attached as Exhibit B. The Court will note that Ms. Sines testified that her statements in the *Yahoo!News* podcast were truthful and accurate. Transcript 89-90. Ms. Sines further attested to the following:

- Following Mr. Rich's death, the FBI investigated attempts to hack into his electronic accounts. Transcript 38-39. The FBI also examined Mr. Rich's laptop computer. *Id.* at 37-38.
- She exchanged emails with FBI personnel regarding Seth Rich. *Id.* at 35.
- She reported her concerns about Seth Rich to Special Counsel Robert Mueller, and she was interviewed by a prosecutor and an FBI agent assigned to Mr. Mueller's team. *Id.* at 30-31.

The last point is particularly significant, because the agent should have submitted an FD-302 form recording Ms. Sines's statements regarding the Seth Rich matter. *See* "FBI's Interview Report Form FD-302," *Thomson Reuters Practical Law* ([https://content.next.westlaw.com/Document/I5a46ff877ecc11e8a5b3e3d9e23d7429/View/FullText.html?contextData=\(sc.Default\)&transitionType=Default&firstPage=true&bhcp=1](https://content.next.westlaw.com/Document/I5a46ff877ecc11e8a5b3e3d9e23d7429/View/FullText.html?contextData=(sc.Default)&transitionType=Default&firstPage=true&bhcp=1)). Taken together, the foregoing evidence suggests that the FBI did investigate matters pertaining to Seth Rich and does have records concerning Mr. Rich, contrary to the affidavit testimony of FBI Section Chief David M. Hardy. *See* Corrected Motion 4.

Respectfully submitted,

/s/ Ty Clevenger

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CERTIFICATE OF SERVICE

I certify that a copy of this document was filed electronically with the Court's ECF system on May 24, 2020, which should result in automatic notification to all counsel of record.

/s/ Ty Clevenger

Ty Clevenger